# REMARKS

Claims 1-15 are pending in the application. Claim 1-15 stand rejected.

Claim 3 has been amended herein to clarify applicant's claimed invention. The authentication processing means having the authentication necessity table which clarifies the execution of the authentication processing. No new matter is entered.

## Claim Rejections

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as anticipated by Dent et al. (Dent)

Dent discloses method of carrying out an authentication check between a base station and a mobile station in a mobile radio system. In this mobile radio system a base station carries out an authentication check of a mobile station that wishes to establish a call. If the mobile station is authentic a call connection is established. Thereafter, during communication, the mobile station carries out an authentication check of the base station and continues the call connection.

In contrast applicant's claimed invention is distinguished for at least the following reasons:

Claims 1 and 5 are different from Dent, for example, claim 1 recites when a request signal requesting operation execution is received from a network device the mobile executes authentication processing to check whether the request signal is from an authorized network device and operation execution means for executing an operation that is in accordance with said request signal only if authentication that the network device is an authorized network device is obtained..

Dent describes that authorization check is made in the mobile device where the mobile device decides whether or not the base station is authentic, however this authorization is

executed after the mobile station executed a response back to the station. In other words, the mobile station in Dent does not describe receiving a request signal requesting operation execution in the mobile station which is only executed after authorization has determined that the network device is an authorized network device.

Dent teaches executing requests and checking, whereas applicant claims executing only if authorization is determined.

As a result, Dent does not disclose characteristic components of the claimed invention (claim 1) and therefore Dent does not anticipate applicant's claimed invention.

In applicant's claim 5, the mobile terminal sends an authorization request signal to the network device after receiving the request for operation execution from the network device and only performing the operation execution after determining if the network device is an authorized network device.

Similarly, Dent does not disclose characteristic components of claim 5 that are authentication processing means and operation execution means as claimed. In addition, Dent does not disclose an authentication operation unit of claim 5 which is provided in the network device and executes an authentication operation based upon an authentication operation based upon an authentication request signal received from the mobile terminal and sends a result of this authentication operation to the mobile terminal.

For at least the foregoing reasons it is respectfully submitted claims 1 and 5 should be allowed.

### Claims 2, 4, 6 and 8

Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Dent in view of Hayashi et al. (Hayashi).

It's admitted in the Office Action that Dent fails to disclose the random number generator of applicant's claimed invention. The Office Action points to Hayashi.

Hayashi discloses in the second paragraph of the third column that a mobile station has a random number generator. But, this random number generator is used to encrypt a predetermined part of the transmission data and to decrypt received data. Thus dent is teaching encrypting and decrypting a part of the transmission data.

In contrast in applicant's claimed invention, the random number generator generates a random number to execute an authentication operation. Hayashi does not teach the random number generator generating a random number to execute an authentication operation.

This is an important difference between Hayashi and the claimed invention since neither Dent nor Hayashi teach the feature of how to use the random number.

Therefore a mobile terminal and a mobile communication system of claims 2 and 6 that are characterized by a random number generator for generating any random number and an authentication operation unit for executing a prescribed authentication operation using key information and the random number, are not taught by the combination of Dent and Hayashi at all.

It is respectfully submitted that claims 2 and 6 are allowable for at least the foregoing reasons since they are different from the cited combination of references.

In Claims 4 and 8 a network device and a mobile communication system in which the network device receives a random number generated in the mobile terminal, executes an authentication operation and sends a result of the authentication operation to the mobile terminal, and the mobile terminal decides that the network received result, are not taught by the combination of Dent and Hayashi at all.

11

Applicant's claim 4 includes a receiver for receiving, from the mobile terminal that has received said request signal, an authentication request signal that includes the identifier and random number of said mobile terminal; an authentication operation unit for executing an authentication operation using said acquired key information and said received random number; and a transmitting unit for transmitting the authentication result to the mobile terminal.

It is respectfully submitted that claims 4 and 8 are allowable for at least the foregoing reasons since they are different from the cited combination of references.

Claim 3

Claim 3 is rejected under 35 U.S.C. § 103(a) as unpatentable over Dent in view of Jiang et al. (Jiang). The Office Action points out that Dent fails to teach skipping authentication if it is not necessary for a particular application.

Jiang discloses refraining from authentication processing in a case where an authentication code is not included.

On the other hand, according to claim 3, an authentication necessity table is provided in the mobile terminal and the mobile terminal judges by reference to this table whether a request signal received from the network device requires an authentication processing.

Therefore in Jiang a code must be included whereas in applicant's claim 3 an authentication necessity table which indicates whether each request received from the network device requires authentication, refers to this table when a request is received, and executes authentication processing if the received request is one requiring authentication. This feature is not taught by Jiang at all.

It is respectfully submitted that claim 3 is allowable for at least the foregoing reasons since it is different from the cited combination of references.

Claims 9-12 and 14-15

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Dent in view of

Lipovski and claims 12, 14 and 15 are rejected under 35 U.S.C. § 103(a) as unpatentable over

Dent in view of Durst et al.

Claims 9-15 depend upon claim 5. As pointed out above Dent fails to teach each and

every feature of applicant's claim 5. Neither of Lipovski or Durst et al. teach the lacking

features. It is respectfully submitted that claims 9-15 are allowable for at least the foregoing

reasons since depend from claim 5, include additional features and they are different from the

cited combination of references.

Claim 13

Claim 13 is rejected under 35 U.S.C. § 103(a) as unpatentable over Dent in view of Durst

et al. and further in view of well-known in the art.

Applicant traverses this rejections since the Office Action argues that it is well known to

disclose user setting information stored in a mobile terminal. However simply disclosing this

information is not what is claimed.

What is claim is wherein said request signal requesting operation execution is a signal

requesting disclosure of mobile terminal information possessed by the mobile terminal where the

mobile terminal information is user settings information that a user of the mobile terminal has

stored beforehand in a storage unit of the mobile terminal.

The request signal is from a network device. It is submitted that it is not well known in

the art to disclose user setting information stored in a mobile terminal based upon a request

signal from a network device.

The Office Action points to MPEP 2144.03, however the MPEP makes clear that

"It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

**If Official Notice Is Taken of a Fact, Unsupported by Documentary Evidence, the Technical Line Of Reasoning Underlying a Decision To Take Such Notice Must Be Clear and Unmistakable**
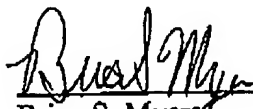
Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection). In certain older cases, official notice has been taken of a fact that is asserted to be "common knowledge" without specific reliance on documentary evidence where the fact noticed was readily verifiable, such as when other references of record supported the noticed fact, or where there was nothing of record to contradict it.

The fact asserted certainly is not so well known as to be capable of instant and unquestionable demonstration as being well-known and no such line of reasoning is provided in the Office Action, nor were all of the limitations in the claims considered. It is respectfully requested the rejection be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986 or 8987
Docket No.: FUSA 20.586 (100794-00090)
BSM:fd